

Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 10/788,471

REMARKS

Claims 1-15 have been examined. Claims 1, 14 and 15 have been rejected under 35 U.S.C. § 112, first paragraph, claims 1-4, 9-12, 14 and 15 have been rejected under 35 U.S.C. § 102(e) and claims 5-8 and 13 have been rejected under 35 U.S.C. § 103(a).

I. Rejections under 35 U.S.C. § 112, first paragraph

The Examiner has rejected claims 1, 14 and 15 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement and as allegedly not being enabled. Without conceding to the Examiner's position in this regard, Applicant hereby deletes the term "continuously" from claims 1, 14 and 15. The rejection is now moot. Applicant respectfully requests the Examiner to enter the amendment for purposes of appeal since such amendment will minimize the issues before the Board in the event of an appeal.

II. Rejections under 35 U.S.C. § 102(e) in view of U.S. Patent No. 7,073,083 to Litwin Jr., et al. ("Litwin")

The Examiner has rejected claims 1-4, 9-12, 14 and 15 under 35 U.S.C. § 102(e) as allegedly being anticipated by Litwin.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites, "providing a first radio link between the radio transmitter and the radio receiver for

transmitting safety related information data; and providing a second radio link between the radio transmitter and the radio receiver for transmitting non-safety related information data.”

The Examiner maintains that Litwin discloses the above features. In particular, the Examiner maintains that channels 106 and 108 of Figure 1 disclose the claimed first and second radio links. Applicant submits, however, that channel 106 is the only channel that actually transmits a type of information “data.” For example, as set forth, the devices 102 each may transmit or receive data via the data channel 106 (col. 2, lines 34-36). On the other hand, the channel 108 is merely used to permit or authorize the devices 102 to transmit the data (col. 2, lines 36-41). If congestion arises due to a malfunctioning device 102, one or more of the devices 102 is shut down by an emergency shutdown signal transmitted via the channel 108 (col. 2, lines 52-57). Thus, the channel 106 is used for transmission of actual data, while the channel 108 is merely used for control/command purposes. Accordingly, Litwin fails to teach or suggest the claimed first and second link.

Furthermore, claim 1 recites, “wherein the first radio link and the second radio link are two physical channels that contemporaneously transmit the information data in parallel.”

As set forth above, the channel 108 of Litwin is merely used for transmittance of control commands or for authorization purposes. There is no teaching or suggestion, in Litwin, of channels 106 and 108 actually transmitting “data” in parallel “contemporaneously,” as recited in claim 1.

Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 10/788,471

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference.

B. Claims 2-4 and 9-12

Since claims 2-4 and 9-12 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claims 14 and 15

Since claims 14 and 15 contain features that are analogous to the features discussed above for claim 1, Applicant submits that such claims are patentable for at least analogous reasons as claim 1.

III. Rejections under 35 U.S.C. § 103(a) in view of Litwin and U.S. Patent No. 6,893,395 to Kraus et al. ("Kraus")

The Examiner has rejected claims 5-8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Litwin in view of Kraus. However, since claims 5-8 are dependent upon claim 1, and Kraus fails to cure the deficient teachings of Litwin, in regard to claim 1, Applicant submits that claims 5-8 are patentable at least by virtue of their dependency.

Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 10/788,471

IV. Rejection under 35 U.S.C. § 103(a) in view of Litwin and U.S. Patent No. 7,103,344 to Menard ("Menard")

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a) in view of Litwin and Menard. However, since claim 13 is dependent upon claim 1, and Menard fails to cure the deficient teachings of Litwin, in regard to claim 1, Applicant submits that claim 13 is patentable at least by virtue of its dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 12, 2007

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294